

UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

MEMORANDUM

DATE: February 3, 2014

TO: Honorable Kiyo A. Matsumoto
U.S. District Judge

RE: Robertson, Colette
Dkt. No.: 13 CR 486-02
Informational Bail Violation Memorandum

The above-referenced defendant was arrested on July 24, 2013 by FBI agents and charged with violation of 18 U.S.C. 2251, Conspiracy to Produce Child Pornography. She made her initial appearance the same day before United States Magistrate Judge Robert M. Levy and was held in custody. On July 29, 2014, she appeared before Chief U.S. Magistrate Judge Steven M. Gold and was released on a \$150,000 cosigned bond and subject to Adam Walsh Act conditions including, in relevant part, the condition that she "*may not use a computer and/or access the internet except as may be necessary for employment purposes only*". To date, the defendant remains unemployed.

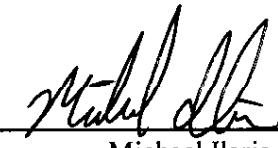
We are now writing Your Honor to advise of a bail violation. On January 31, 2014, Pretrial Services conducted an unannounced home visit to the defendant's residence. During that home visit, Pretrial Services inspected a cellphone acquired by the defendant through a friend, Claudia Diamond. The cellphone is a Samsung smartphone-style cellphone. A "smartphone" is a cellphone that allows a user internet access either in accordance with a data plan wherein the user pays for internet service, or through what is known as "wifi", wherein the cellphone is capable of accessing a wireless local area network. Pretrial Services was able to access the internet with the Samsung cellphone. The defendant explained that Ms. Diamond got her the cellphone, and she pays Ms. Diamond \$20 per month for use of the cellphone, noting she only uses it for making phone calls and playing games. During the home visit, the defendant called Ms. Diamond, and this officer spoke to her. Ms. Diamond indicated the cellphone plan does not include internet access, and the cellphone must be picking up wifi from some other location. Ms. Diamond indicated she would work on getting the defendant a suitable cellphone without internet capability.

The defendant reported in person to Pretrial Services today with the cellphone. Pretrial Services again inspected the cellphone. We were unable to access the internet using only the cellphone, which would confirm Ms. Diamond's statement that internet use is not part of her data plan. In addition, the defendant brought one of Ms. Diamond's cellphone bills for the period between September 29 – October 28, 2013, and from the data usage on that bill there was no indication of internet use. On the cellphone itself, there were a limited number of photos, not pornographic, no internet browser history, and what appeared to be pre-loaded applications for YouTube and Google. The defendant denied using any type of internet application other than downloading an application to track her monthly cycles. Pretrial Services took possession of the cellphone today. Defense counsel was advised of this and plans to retrieve the cellphone

later this week.

Pretrial Services is not requesting any action be taken at this time, and wishes only to advise Your Honor of this violation. We will continue to closely monitor the situation, and the defendant was warned about, and reminded of, her bail conditions and the serious nature of this issue. Both AUSA Margaret Gandy and defense counsel Paul Martin were informed of this situation. Should Your Honor have any questions or concerns, please do not hesitate to contact Officer Michael Ilaria at (718) 613-2378.

Prepared by:


Michael Ilaria
U.S. Pretrial Services Officer

Approved by:


Ignace Sanon-Jules
Supervising Pretrial Services Officer

cc: AUSA Margaret Gandy
Defense counsel Paul Martin